

Remarks

Claims 1-26 were presented for prosecution. Claims 3, 5, 7, 8, 12, 16, 19, and 25 were rejected under 35 USC 112 second paragraph as being unclear. Applicant has herein amended these claims to better clarify the subject matter of the invention. Claims 1-26 were rejected under 35 USC 101 as lacking patentable utility. Applicant traverses this conclusion, but has amended the independent claims to include, e.g., outputting or displaying. Claims 1-26 were rejected under 35 USC 103(a) as allegedly being unpatentable over Bakalash, US 6,385,604 or admitted prior art, in view of Brickell, US 6,678,676. Applicant has cancelled claims 5, 13, and 22. No new matter is believed added.

Applicant respectfully traverses the 35 USC 103(a) rejections and submits that all claims are allowable of the cited art. “To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.” MPEP 706.02(j).

With regard to claim 1 (and similarly claims 10 and 19), Applicant respectfully submits that the prior art fails to teach or suggest all of the claim limitations. For instance, claim 1 recites, *inter alia*, “wherein the performance measure is a combination of time saved and summary table size.” The Office Action alleges that this feature is taught in column 3, lines 16-24 of Brickell. Applicant respectfully traverses this

conclusion. Column 3, lines 16-24 of Brickell essentially states that the time associated with a query can be estimated based on “the size of the summary.” “This allows the processor to determine the improvement in query execution time that is obtained even if the summary is never produced. Of course, if the summary is already present and is currently in use, then the estimate is not required.” See, column 3, lines 22-26. Clearly, this passage does not teach or in any way suggest that the performance measure is a combination of time saved and summary table size.” Rather, the passage simply suggests a method of estimating time-saved, which Brickell explicitly teaches to be the primary factor in calculating the benefit measure. See, Column 8, lines 28-56.

The cited passage is further explained in column 8, lines 66-67 to column 9, lines 1-6, in which Brickell states that if “no workload statistics are available, a benefit measure must be estimated... based on the structure of the underlying data.” Thus, Brickell merely teaches a way of estimating time-saved based on the data, but never suggests or teaches combining the two to provide a performance measure. Accordingly, because Brickell fails to teach or suggest this feature, Applicant submits that the independent claims are not obvious in view of the cited combination.

Applicant submits that the remaining dependent claims are believed allowable for the reasons stated above, as well as for their own additional features.

Applicant respectfully submits that the application is in condition for allowance. If the Examiner believes that anything further is necessary to place the application in condition for allowance, the Examiner is requested to contact Applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael Hoffman", followed by a horizontal line.

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